

Executive Summary

Studies have shown that better health outcomes are achieved with increased trade openness and human development, particularly in lower-income countries. To facilitate international trade and catalyse economic growth, countries should promote robust intellectual property rights (IPR). A strong and effective IPR system will support, protect and stimulate innovation. It will also encourage transfers of technology and increase the availability of products in new markets.

Author Dr Helmy Haja Mydin, examines examples from across the globe to highlight the importance of IPR and its implications for healthcare in ASEAN countries. Part 1 begins with an overview of the intellectual property landscape in the ASEAN region. It provides a response to issues related to IPR protection and drug affordability such as TRIPS-plus (intellectual property legislations that go beyond the scope of TRIPS), drug patenting systems and ever-greening. The author then makes a case for an integrated and harmonized IPR framework in ASEAN and recommends:

1. Increasing the efficiency of IP registrations at the national level by reducing unnecessary bureaucracy.
2. The establishment of ASEAN IP Courts to improve confidence in the ASEAN region

Part 2 discusses the issue of inclusivity in healthcare in terms of accessibility and price of medicines. The price of medicine is strongly influenced by the considerable amounts of money invested by pharmaceutical companies into the development of new treatments - the majority of which fail. Generics have an important role to play in adjusting price mechanisms but are sometimes an unreliable substitute. To reduce the price of drugs

1. ASEAN countries should reduce legislation that support monopolies in all levels of drug supply chains.
2. ASEAN should also form a regional-wide committee that assess the therapeutic benefits of a product before granting it patent protection

The paper concludes with potential solutions for affordable medicines. This includes:

1. Government participation in Advance Market Commitments (AMC) or Advanced Purchase Commitments - to push companies to address healthcare issues that are not attractive to the market. Alternatively, it should adopt a 3P (public, private, philanthropy) approach.
2. The establishment of an ASEAN foundation where member countries pool resources to provide interventions for populations most at risk
3. The creation of the Medicines Patent Pool (MPP), a consortium of companies that cross-license patents in a transparent manner - to facilitate research and speed up bilateral negotiations between the innovator and generic pharmaceutical companies.

About the Author

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